

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00724-FDW-DSC

JOHN THOMAS,)
)
Plaintiff,)
)
vs.) ORDER
)
NATIONAL ASSOCIATION FOR STOCK)
CAR AUTO RACING, INC., *et al.*,)
)
Defendants.)

THIS MATTER is before the Court on the parties' Joint Response to Order to Show Cause. (Doc. No. 48). The parties filed a Notice of Settlement on May 3, 2017, in which they notified the Court that they had "reached settlement in this case on April 19, 2017," and that they "anticipate[d] filing a Stipulation of Dismissal of this action within the next 30 days." (Doc. No. 46). The thirty-day deadline expired, and on June 9, 2017, this Court ordered the parties to show cause why the Court should not dismiss this matter without prejudice. (Doc. No. 47).

In their joint response, the parties informed the Court that all parties have signed and executed a Settlement Agreement, that under the terms of the agreement, Defendants are required to present any payable settlement funds to counsel for Plaintiff on or before June 22, 2017, and that the parties have agreed to file a joint stipulation of dismissal *with prejudice* within ten (10) business days of receipt of said payment. (Doc. No. 48). Therefore, the parties requested that the Court refrain from dismissing this matter *without prejudice* until the earlier of (i) the filing of a joint notice of dismissal with prejudice by the parties or (ii) July 6, 2017.

The Court hereby grants the parties' request to refrain from dismissing this matter at this time. The Court cautions the parties, however, that the deadlines in the Case Management Order (Doc. No. 32), including the July 26, 2017, deadline to file dispositive motions, remain in place and are **not** stayed. Should settlement not be completed in this case as anticipated by the parties, this case will move forward as set forth in the Case Management Order.

IT IS SO ORDERED.

Signed: June 16, 2017



Frank D. Whitney
Chief United States District Judge

